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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JASON LEE SUTTON,

12 Plaintiff,
13 v.

14 DARREN HEWARD, JEFF KETTEL,
15 and KENNETH E. MCKINNEY,

16 Defendants.

17 CASE NO. 17-5546 RJB-TLF

18 ORDER ADOPTING REPORT AND
19 RECOMMENDATION

20 THIS MATTER comes before the Court on the Report and Recommendation of U.S.
21 Magistrate Judge Theresa L. Fricke. Dkt. 66. The Court has reviewed the Report and
22 Recommendation, objections, if any, and is fully advised.

23 In this civil rights case, Plaintiff, a *pro se* prisoner, contends that, due to his prior lawsuits
24 against the Department of Corrections (“DOC”) and its staff, the Defendants, who are DOC
corrections officers, denied him due process and retaliated against him when they disciplined
him after allegedly finding a metal object in his shoe. Dkt. 12. On August 8, 2018, the Report

1 and Recommendation was filed, recommending that the Defendants' motion for summary
2 judgment be granted and the case dismissed. Dkt. 66.

DISCUSSION

The Report and Recommendation (Dkt. 66) should be adopted and the case dismissed. The Plaintiff has failed to demonstrate that there are genuine issues of material fact. Defendants have shown that they are entitled to a judgment as a matter of law. The Defendants' motion for summary dismissal should be granted.

ORDER

It is ORDERED that:

- The Report and Recommendation (Dkt. 66) **IS ADOPTED**; and
 - The case **IS DISMISSED**.

The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge Theresa L. Fricke, all counsel of record, and to any party appearing *pro se* at said party's last known address.

Dated this 28th day of August, 2018.

Robert G. Bryan

ROBERT J. BRYAN
United States District Judge